

PREFACE

This is the first updated edition of the National Labor Relations Board's Casehandling Manual for Representation Proceedings issued during my term as General Counsel. The last revision, in September 1989, was partial; the current revision is comprehensive. Many portions have been completely rewritten or extensively reorganized. To improve clarity and facilitate access to related items, paragraphs have been titled and numerous cross-references have been inserted. To the maximum extent possible, sections of the Manual are self-contained and integrated with each other. Numerous examples have been added.

The improved processing of representation cases has been one of my key objectives. I hope that this updated and improved text will help enhance the quality, efficiency, and consistency of our representation case processing activities and be a valuable resource for Agency employees and the public.

This revised Manual was prepared by a field committee comprised of Frank Hoeber, who was Assistant to the Regional Director in Region 4 prior to his retirement in July 1998; Gary Kendellen, who was Assistant to the Regional Director in Region 22 prior to his appointment as Regional Director of that Region in July 1999; Elbert Tellem, Assistant to the Regional Director in Region 2; and Curtis Wells, Regional Director in Region 15. Frank Hoeber, Gary Kendellen, and Elbert Tellem were responsible for drafting all substantive revisions to the manual. Assistant General Counsel Celeste Mattina coordinated the project for the Division of Operations-Management. Field staff at all levels provided very valuable feedback to the committee when the manual was in an earlier drafting stage. Frank Hoeber and Gary Kendellen deserve special recognition for their leadership and their extraordinary dedication in bringing this important project to fruition. I want to personally thank them and all of those who played a role in developing and revising this Manual.

Fred Feinstein
General Counsel
August 1999

PURPOSE OF THE MANUAL

The Casehandling Manual is intended to provide procedural and operational guidance for the Agency's Regional Directors and their staffs when making decisions as to unfair labor practice and representation matters under the National Labor Relations Act. The Manual consists of three volumes: Part One—Unfair Labor Practice Proceedings; Part Two—Representation Proceedings; and Part Three—Compliance Proceedings.

This Manual has been prepared by the General Counsel for use by Agency personnel, pursuant to authority under Section 3(d) of the Act and as delegated by the Board. The Manual has been neither reviewed nor approved by the Board.

As to matters on which the Board has issued rulings, the Manual seeks to accurately describe and interpret Board law; while the Manual can thus be regarded as reflecting Board policies as of the date of its preparation, in the event of conflict, it is the Board's decisional law, not the Manual, that is controlling. Similarly, while the Manual reflects casehandling policies of the General Counsel as of the date of its preparation, such policies may be revised or amended from time-to-time.

The Manual is not a form of binding authority, and the procedures and policies set forth in the Manual do not constitute rulings or directives of the General Counsel or the Board. The Manual is also not intended to be a compendium of either substantive or procedural law, nor can it be a substitute for a knowledge of the law.

Although it is expected that the Agency's Regional Directors and their staffs will follow the Manual's guidelines in the handling of cases, it is also expected that in their exercise of professional judgment and discretion, there will be situations in which they will adapt these guidelines to circumstances. Thus, the guidelines are not intended to be and should not be viewed as binding procedural rules. Rather, they provide a framework for the application of the Board's decisional law and rules to the facts of the particular situations presented to the Regional Directors and their staffs, consistent with the purposes and policies of the Act.

MANUAL FORM

This Manual is available in printed form from the U.S. Government Printing Office and in electronic form at the Agency's web site (www.nlrb.gov). (Agency employees also have access to the Manual on an Agency electronic Bulletin Board.)

MODIFICATIONS TO THE MANUAL

Modifications to the Manual will be announced by General Counsel memoranda. These memoranda are available to the public through the Agency's publication "Weekly Summary of NLRB Cases." At the time of announcement, the electronic versions of the Manual maintained on the Agency's web site (www.nlrb.gov) and internal Bulletin Board will be revised in accord with the modifications. All memoranda announcing modifications will be retained for 1 year at the web site and Bulletin Board UPDATE PAGE.

Printed versions of the Manual available in Agency libraries will be kept current. Printed compilations of modifications will be prepared annually. Printed copies of the Manual distributed following its original publication date will contain the original Manual as well as all annual compilations.

INSTRUCTIONS:

The Casehandling Manual consists of three volumes: Part One—Unfair Labor Practice Proceedings; Part Two—Representation Proceedings; and Part Three—Compliance Proceedings. Part Three was thoroughly revised in 1993. As previously announced, Parts One and Two have been undergoing revision in recent years. (The portion of Parts One and Two entitled “Common To All Cases,” which appears in both Part One and Part Two, is being revised primarily in conjunction with Part One.)

Part Two’s revision is now complete and it is being issued separately at this time. Please note that, with the exception of Sections 11730 and 11754, the “Common To All Cases” portion of Part Two is being issued in an unrevised version at this time; further note that Section 11730 has been replaced by new Sections 11730–11734 and Section 11754 has been replaced with new Section 11754. Holders of Part One—Unfair Labor Practice Proceedings should substitute the new Sections 11730–11734 and Section 11754 for the versions of these Sections in their current Part One.

Lastly, holders of Part One—Unfair Labor Practice Proceedings and Part Three—Compliance Proceedings should substitute the Section of Part Two entitled Purpose of the Manual for the similarly named Sections in their current Part One and Part Three of their Manual.